

Nicole Lundrigan

From: Nicole Lundrigan
Sent: Monday, February 20, 2023 11:36 AM
To: wmdeters@ennisbritton.com; bwwharton@mimlaw.com; Josh Bazan
Cc: W. Kelly Lundrigan; David E. Hardin
Subject: FW: Request for Updated PRR log (Public Records Request)
Attachments: Request 2-15-23A_Redacted.pdf

Josh, Bill and Bernie,

As you know, we alleged in paragraph 77 of our proposed Second Amended Complaint that the Board, or certain members of the Board, have taken further action to enforce the Resolution in violation of the Stipulation by drafting a new resolution or policy to implement it which targets bathroom use by transgender students. Per the PRR log, Dr. Rasmussen made a public records request for this document, and I requested a copy of the records provided to her. Instead of receiving the new policy which apparently does exist and has been circulated to other board members and counsel for the Board, I received the attached email chain whereby the district is taking the position that the policy drafted by Ms. Stewart is not a public record. The policy and drafts of it clearly fall within the definition of a public record as it documents policies, operations and activities of the public office and public officials. R.C. 149.011(G); *see also State ex rel. Calvary v. Upper Arlington*, 2000-Ohio-142, 89 Ohio St. 3d 229, 232.

Please provide us with a copy of the new resolution or policy drafted by Ms. Stewart or circulated among members of the board, including all drafts of the same. Not only are these documents public records which must be produced, they are highly relevant to the lawsuit and what appears to be the Board's violation of the Stipulation.

Thank you,
Nicole

From: Josh Bazan <joshibazan@foresthills.edu>
Sent: Friday, February 17, 2023 3:57 PM
To: Nicole Lundrigan <nlundrigan@lundrigan-law.com>
Subject: Re: Request for Updated PRR log (Public Records Request)

Hi Nicole,

I am attaching the email correspondence between Dr. Rasmussen and the Board's counsel, which serves as the denial for her records request. I redacted personal information that does not qualify as a public record under Ohio Rev. Code § 149.43.

Let me know if you have any additional questions.

Sincerely,
Josh

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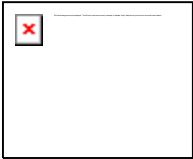
Josh Bazan

Communications Coordinator

[Forest Hills School District](#)

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



On Wed, Feb 15, 2023 at 9:26 AM Nicole Lundrigan <nlundrigan@lundrigan-law.com> wrote:

Good morning Josh. Can you please provide me with (i) the response provided to Dr. Rasmussen to her 2/2/23 public record request below, including (ii) all documents provided in response. If a response has not yet been provided to Dr. Rasmussen, can you please provide me with the response and documents when they are provided to her.

2/2/23 Request 2-2-23A	Leslie Rasmussen < leslierasmussen@foresthills.edu >	Pursuant to the following publ Katie Stewart? Date range: Oc
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Thank you very much,

Nicole

From: Josh Bazan <joshbazan@foresthills.edu>

Sent: Thursday, February 9, 2023 12:18 PM

To: Nicole Lundrigan <nlundrigan@lundrigan-law.com>

Subject: Re: Request for Updated PRR log (Public Records Request)

Hi Nicole,

I am attaching the requested record to this email. Could you please let me know when you receive it? I've experienced a couple issues recently with documents and/or emails not being received.

Sincerely,

Josh

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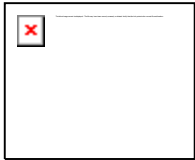
Josh Bazan

Communications Coordinator

[Forest Hills School District](#)

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



On Thu, Feb 9, 2023 at 9:20 AM Nicole Lundrigan <nlundrigan@lundrigan-law.com> wrote:

Good morning Josh. Can you please send me the updated PRR log from December 1, 2022 through today's date? I am hopeful that due to the limited scope of this request that it can be filled quickly.

Thank you,

Nicole



Nicole M. Lundrigan, Esq. (she/her)

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Josh Bazan <joshbazan@foresthills.edu>

Request 2-2-23A

6 messages

Josh Bazan <joshbazan@foresthills.edu>
To: Katie Stewart <katiestewart@foresthills.edu>
Cc: "Bill M. Deters II" <wmdeters@ennisbritton.com>

Fri, Feb 3, 2023 at 9:15 AM

Hi Katie,

I have the following public records request that pertains to you. I'm copying Bill on here so he's aware. Let me know if you have anything that matches this and Bill can look it over to determine if it should be disclosed pursuant to this request.

Sincerely,
Josh

Request 2-2-23A

From: Leslie Rasmussen

Pursuant to the Ohio Public Records Act, I am requesting copies of the following public records from the Forest Hills Local School District:

Katie Stewart's draft resolution related to transgender issues and bathrooms. Date range: Oct 2022-Feb 2023.

She wrote it and Bill Deters is aware. In fact, he has seen it. I asked Mrs. Stewart to produce it and she refused.

This may be a draft, but it is board business and it does exist. So, I'm left with no choice but to submit my own FOIA request.

If she does not produce it, I will pursue other means. It does exist. I would like it in a timely manner so that I am not left to ask for it publicly at the Feb. 15 meeting.

--

Josh Bazan

Communications Coordinator

Forest Hills School District

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



Katie Stewart <katiestewart@foresthills.edu>
To: Josh Bazan <joshbazan@foresthills.edu>, wmdeters@ennisbritton.com

Fri, Feb 3, 2023 at 9:43 AM

Hi Josh,

I see this request as attorney client privilege. It is not board business nor will it be coming forward at any meeting in the future. I see this as an attempt to incite panic. Bill please advice.

Katie Stewart
[Quoted text hidden]

Josh Bazan <joshbazan@foresthills.edu>
To: "Bill M. Deters II" <wmdeters@ennisbritton.com>

Fri, Feb 10, 2023 at 12:04 PM

Leslie just called me to ask about this request and she shared additional information. I think you may be aware of some of it, but give me a call today if you have time so we can discuss.

Josh Bazan

Communications Coordinator

Forest Hills School District

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



[Quoted text hidden]

Bill Deters <wmdeters@ennisbritton.com>

Fri, Feb 10, 2023 at 12:39 PM

To: Josh Bazan <joshbazan@foresthills.edu>

Cc: Alana Cropper <alanacropper@foresthills.edu>, Larry Hook <larryhook@foresthills.edu>, Leslie Rasmussen <leslierasmussen@foresthills.edu>, Katie Stewart <katiestewart@foresthills.edu>, Bob Bibb <bobbibb@foresthills.edu>, Linda Hausfeld <lindahausfeld@foresthills.edu>

Josh:

Katie's document would not qualify as a record under the definition outlined in the Open Records law. It does not document the organization's functions, policies, directives, etc.

William M. Deters II, Esq.



Ennis Britton Co., LPA
1714 West Galbraith Road
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[Quoted text hidden]

Leslie Rasmussen <leslierasmussen@foresthills.edu>

Fri, Feb 10, 2023 at 1:03 PM

To: Bill Deters <wmdeters@ennisbritton.com>

Cc: Josh Bazan <joshbazan@foresthills.edu>, Alana Cropper <alanacropper@foresthills.edu>, Larry Hook <larryhook@foresthills.edu>, Katie Stewart <katiestewart@foresthills.edu>

Josh:

To be clear, Bill's official position is that a drafted resolution by a board member - for the district - is not public record? Thus, FHSD is refusing to produce the document?

So, let me ask a clarifying question. All drafts we develop for policy (in committee or otherwise) and resolutions are NOT public record?

I look forward to a clear response.

LR

Sent from my iPhone. Please excuse any errors.

On Feb 10, 2023, at 12:39 PM, Bill Deters <wmdeters@ennisbritton.com> wrote:

[Quoted text hidden]

Bill Deters <wmdeters@ennisbritton.com>

Fri, Feb 10, 2023 at 1:05 PM

To: Leslie Rasmussen <leslierasmussen@foresthills.edu>

Cc: Josh Bazan <joshbazan@foresthills.edu>, Alana Cropper <alanacropper@foresthills.edu>, Larry Hook <larryhook@foresthills.edu>, Katie Stewart <katiestewart@foresthills.edu>

It was not a District document.

William M. Deters II, Esq.



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